



# City of Folly Beach

Introduced by:  
Recommended by: Planning Commission  
Date: March 8, 2005

Postponed: March 8, 2005  
Postponed: March 22, 2005  
Postponed: April 12, 2005  
1<sup>st</sup> Reading: May 24, 2005  
2<sup>nd</sup> Reading: June 28, 2005  
3<sup>rd</sup> Reading: \_\_\_\_\_

## **ORDINANCE NO. 08-05, as amended**

### **AN ORDINANCE BY THE FOLLY BEACH COUNCIL AMENDING FOLLY BEACH CODE OF ORDINANCES, TITLE 5: PUBLIC WORKS, BY CREATING A NEW CHAPTER 55, ON-SITE SEPTIC SYSTEM MANAGEMENT.**

The City Council of Folly Beach, South Carolina, duly assembled, hereby ordains as follows:

That Folly Beach Code of Ordinances, Title 5, Public Works, be and is hereby amended by adding a new Chapter 55, On-Site Septic System Management, as follows:

#### **ON-SITE SEPTIC SYSTEM MANAGEMENT**

§55.01	Intent
§55.02	Applicability
§55.03	DPW Responsibility
§55.04	Construction of New Structures
§55.05	Sale of Ownership Interest in Property, Building Renovations, and Change in Occupancy
§55.06	OSDS Operation and Maintenance
§55.07	OSDS Inspection and Repair
§55.08	Inspection Records
§55.09	Education
§55.10	Enforcement; Penalties for Offenses
§55.11	Definitions
<b>§55.01</b>	<b>INTENT.</b>

The purpose of this ordinance is to promote the health and safety of the residents, visitors, and other community members by preventing the spread of diseases associated with failing on-site sewage disposal systems (OSDS), or septic systems; to educate the public about proper septic system operation and maintenance; and to promote a quality environment in the marshes, wetlands, rivers, and beaches by reducing contaminated runoff from failed or poorly maintained septic systems and by ensuring that OSDS are properly operated, inspected, and routinely maintained.

**§55.02            APPLICABILITY.**

This ordinance shall be applicable to every owner of premises that has an OSDS or is proposing to install an OSDS. In no way do the provisions of this ordinance abrogate the powers and duties of the South Carolina Department of Health and Environmental Control (DHEC) to their responsibilities for the permitting and enforcement of wastewater systems.

**§55.03            INSPECTION OF PRIVATE PROPERTY PROHIBITED**

No property owner shall be compelled to have an OSDS system inspection outside the requirements of this ordinance and other applicable law.

**§55.04            DPW RESPONSIBILITY.**

The enforcement and management of this ordinance shall be the responsibility of the City of Folly Beach Department of Public Works (DPW).

**§55.05            CONSTRUCTION OF NEW STRUCTURES:**

Whenever an applicant proposes to construct a new structure from which sewage will be disposed of by means of an OSDS the following conditions related to the OSDS must be met (other building or zoning requirements pertinent to new structures are not included):

(A) Permit Application and Permit to Construct.

1. The number of bedrooms on the DHEC permit application must be determined as defined by this ordinance so the system will not be undersized.
2. A Permit to Construct (the OSDS) must be issued by DHEC before construction on the structure or the septic system can begin.

(B) Certificate of Final Approval. The owner must receive a DHEC Certificate of Final Approval before the City can issue a Certificate of Occupancy.

**§55.06**

**SALE OF OWNERSHIP INTEREST IN PROPERTY, BUILDING RENOVATIONS, AND CHANGE IN OCCUPANCY TO EXISTING STRUCTURES:**

- (A) Baseline Inspection required. Prior to the sale of any ownership interest in, renovation of, or change in occupancy of existing structures an inspector shall make a baseline inspection of the OSDS in accordance with Section 55.06 of this ordinance.
1. Sale of Ownership Interest in Property. A Baseline Inspection is not required more than once every five years, provided the property has not been Renovated or Changed Occupancy and the OSDS has not failed.
- (B) Permit required. A DHEC permit, similar to that for new construction as listed in 55.06(A), must be submitted to the City for building renovations and changes in occupancy to ensure that the OSDS will function properly after the renovation or change in occupancy. The baseline inspection report and building renovation site plans must be included in the DHEC permit review. The number of bedrooms on the DHEC permit application must be determined as defined by this ordinance so the system will not be undersized.

**§55.07**

**OSDS OPERATION AND MAINTENANCE.**

- (A) City responsibility.
1. The City will maintain a list of approved inspectors.
  2. The DPW (and/or DHEC) will conduct random site visits during inspections, pumping, repairs, or alterations to evaluate the quality of such work. The DPW (and/or DHEC) will also respond to citizen complaints with regard to OSDS services and/or inspections.
- (B) Property owner responsibility.
1. It shall be the responsibility of the property owner to ensure that the OSDS is operated and maintained according to its designed use and capacity.
  2. Property owners shall provide all requested and known information about the OSDS to the City and the inspector to facilitate locating and assessing the condition of the system.
  3. The property owner shall maintain the OSDS so that it is accessible for inspection and maintenance, and so that it is protected from vehicular traffic and parking.

**§55.08**

**OSDS INSPECTIONS AND REPAIRS.**

- (A) Baseline Inspection. As per Section 55.06 of this ordinance prior to the sale of any ownership interest in, renovation of, or change in occupancy of, properties will be required to have a baseline inspection using DPW-approved inspectors and DPW inspection forms. Properties with a failed system shall also be required to have a baseline inspection done as per this section.
1. A pump-out of the septic tank is required. This is necessary to properly examine the interior of the tank and to check for leaks from the house or saturated

conditions in the drainfield. Property owners must arrange with the inspector to have a licensed pumper present during the inspection.

2. The inspection shall take place no earlier than sixty (60) days prior to the sale of any ownership interest in property. In the event that the inspection does not occur as specified prior to the sale, an inspection must be completed within thirty (30) days of the water transfer.
3. It is preferable to have the inspection done while the property is occupied.

(B) Inspection reports. The inspector shall give a copy of the completed inspection report to the occupant, to the property owner, and to the City. A copy of the inspection report and the receipt from the pumper, must be submitted to the City within ten (10) business days of the inspection. For sale of property, a copy of the report also shall be provided to the prospective buyer.

(C) Minor repairs and alterations. If during a baseline inspection, the inspector determines that minor repairs or alterations are needed to bring the OSDS into good operating condition (such as replacing cracked lids and missing or broken tees and baffles), such work must be made within ninety (90) days of the inspection. Evidence of said work must be submitted to the City.

(D) Failure evaluation and repairs. If during a baseline inspection the OSDS is determined to be a failed system, as defined by this ordinance, the City will notify DHEC of the failure within five (5) business days of receiving the inspection report.

The property owner shall:

1. Contact DHEC within fifteen (15) business days of the inspection to request a failure evaluation and/or to determine the proper recommended repair;
2. Apply for a DHEC permit to repair or replace the system, if determined necessary by DHEC.
3. Apply for an easement permit, if needed, from the City in accordance with Section (E) below.
4. Submit evidence of repairs to the Department within sixty (60) days of the inspection. The Department may grant the owner an extension of the time limit to complete any needed repairs on a case-by-case basis.

(E) Easements. The City may permit the use of an easement for repairing or upgrading an OSDS provided the easement meets DHEC requirements.

#### **§55.09 INSPECTION RECORDS.**

The DPW shall maintain a record of each OSDS installed, inspected, pumped, repaired, and altered.

#### **§55.10 EDUCATION.**

It shall be the responsibility of the DPW to establish an ongoing public education program to make OSDS owners and occupants aware of the proper operation and maintenance of these systems.

**§55.11            ENFORCEMENT; PENALTIES FOR OFFENSES.**

Failure to comply with the inspection and repair provisions of this ordinance will be deemed a violation of Chapter 94: Health and Sanitation; Nuisances. Penalties will be administered as per § 10.99 General Penalty of the City.

**§55.12            DEFINITIONS:**

As used in these rules and regulations, the following terms shall, where the context permits, be construed as follows:

- (A) **ALTERATION** – Any modernization, modification or change in the size, type, or flow of an existing onsite sewage disposal system, including but not limited to any work performed in connection with a building renovation and/or change of occupation of that building.
- (B) **BASELINE INSPECTION** – A thorough evaluation of an operating on-site sewage disposal system conducted by an inspector, as defined by this ordinance, to determine whether the system is functioning as designed, is not exhibiting signs of failure, and is being operated properly. A pump-out of the septic tank is necessary to conduct a baseline inspection.
- (C) **BEDROOM** – Any room in a residential structure which is greater than seventy (70) square feet in area, which is susceptible to present or future use as a private sleeping area and which has at least:
  - 1. One (1) egress window or door per fire code; and
  - 2. One (1) interior method of entry and egress, excluding closets and bathrooms, allowing the room to be closed off from the remainder of the residence for privacy.In determining the number of bedrooms contained in any RESIDENCE, it shall be presumed that all residences contain a living room, kitchen, bathroom and at least one (1) bedroom.
- (D) **CHANGE IN OCCUPANCY** – Refers to any single family or duplex residential property for which the OWNER should apply for a business license to change the occupancy of the dwelling (e.g., converting to multiple family or to short-term rental) and that is likely to result in an increase in sewage flow into the system; conversely, switching from commercial property to residential property.
- (E) **DEPARTMENT (or DPW)** – The Department of Public Works, City of Folly Beach.

- (F) **DRAINFIELD** – A system of trenches or beds, or other such seepage systems approved by DHEC, designed to disperse septic tank effluent into the soil for treatment.
- (G) **FAILED SYSTEM** – Any sewage disposal system that does not adequately treat and dispose of sewage that consequently creates a public or private nuisance or threat to public health and/or environmental quality, as evidenced by, but not limited to, one or more of the following conditions:
1. Failure to accept sanitary sewage into the building sewer.
  2. Discharge of sanitary sewage to a basement, subsurface drain, surface drain or surface water unless expressly permitted by DHEC.
  3. Sanitary sewage rising to the surface of the ground over or near any part of an on-site sewage disposal system or seeping down-gradient from the drainfield at any change in grade, bank or road cut.
  4. Any deterioration or damage to any on-site sewage disposal system that would preclude adequate treatment and disposal of wastewater (For example, damage from a vehicle driven over the drain field or septic tank.).
  5. A septic tank that is not constructed to be watertight (e.g., bottomless tank) as required to hold wastewater for primary treatment prior to discharging to a drain field.
  6. The presence of a grease trap to which kitchen waste is discharged and which is not connected to the septic tank or drain field.
- (H) **GOOD OPERATING CONDITION** – An OSDS that upon inspection is determined to function in a sanitary manner, prohibits the discharge of untreated or partially treated wastewater onto the ground surface, into surface water, or into groundwater, and allows building plumbing to discharge properly.
- (I) **GREASE TRAP** – An interceptor tank used to trap grease and oils from kitchen waste. If the tank is not plumbed so that the remaining liquid enters the septic tank or a drainfield, it is in violation of this ordinance.
- (J) **INSPECTOR** – An individual who has successfully completed the DHEC Septic System Inspector Training Workshop and who has been approved by the Department to inspect septic systems at Folly Beach.
- (K) **LICENSED INSTALLER** – Any individual who holds a valid DHEC license for the installation and repair of OSDS. Licensed installers may hold a dual license for installation/repair and cleaning of OSDS; installers with a dual license are also classified as licensed pumpers.
- (L) **LICENSED PUMPER** – Any individual who holds a valid DHEC license to clean septic tank and self-contained toilets.
- (M) **MAINTENANCE** – The clearing of stoppages in pipes and the regular cleaning of any septic tank, grease trap, building sewer, distribution lines or any other component

of an OSDS for the purpose of removing any accumulated liquid, scum and/or sludge without removing, replacing, or rearranging of pipes or surrounding soils. The term "maintenance" shall also be held to include any regularly required servicing or replacement of related mechanical, electrical or other equipment.

- (N) **OCRM** – The South Carolina DHEC Office of Ocean and Coastal Resource Management.
- (O) **ONSITE SEWAGE DISPOSAL SYSTEM (or OSDS)** – Any system of piping, tanks, drain fields, alternative toilets or other facilities designed to function as a unit to convey, store, treat and/or dispose of sanitary sewage by means other than discharge into a public sewer system.
- (P) **OWNER** – Any person who alone or jointly or severally with others holds legal title to any real property or has possession or control of any real property through any agent, executor, administrator trustee, or guardian of the estate of a holder of a legal title or has possession or control through any lease or purchase and sale agreement. Each such person is bound to comply with the provisions of these rules and regulations.
- (Q) **REGULATION 61-56 (R.61-56) INDIVIDUAL WASTE DISPOSAL SYSTEMS**  
– Statewide regulation that governs the permitting, design, and installation of OSDS.
- (R) **RENOVATION** – Any addition (including structural and plumbing fixtures with waste lines), replacement, demolition and reconstruction, or modification of an existing structure on the subject property that:
1. Results in an increase in sewage flow into the system\*; or
  2. Adds bedroom(s) and/or significant water-using fixtures to the house (bathroom, hot tub, etc.).
- \*NOTE: All SEWAGE flows shall be determined in conformance with S.C. Regulation 61-56.*
- (S) **REPAIR** – Work performed on an OSDS in order to mend or remedy a specific defect or deficiency after the failure, injury, deterioration, or partial destruction of a previously existing OSDS or component thereof. A "repair" shall not include any alteration work performed on an existing OSDS that increases the flow capacity of the system.
- (T) **RESIDENCE** – Any structure used for housing purposes, including but not limited to single- or multiple-family dwellings, duplexes, tenements, apartment buildings, condominiums, mobile homes, recreational vehicles or trailers.
- (U) **SANITARY SEWAGE OR WASTEWATER** – Any human or animal excremental liquid or substance, any putrescible animal or vegetable matter and/or any garbage and filth, including but not limited to any black water discharged from toilets, or grey

water discharged from laundry tubs, washing machines, sinks and dishwashers, as well as the content of septic tanks or privies.

(V) **SEPTIC SYSTEM** – For the purpose of this ordinance, a septic system is analogous to an on-site sewage disposal system(OSDS).

(W) **SEPTIC TANK** – A watertight receptacle that receives the discharge of sewage from a building sewer and is designed and constructed to permit the deposition of settled solids, the digestion of the matter deposited and the discharge of the liquid portion into a leaching system (e.g., drainfield).

**THE EFFECTIVE DATE** of this ordinance shall be 180 days after the adoption thereof.

**ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2005 at Folly Beach, South Carolina.

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Abstains: \_\_\_\_\_

\_\_\_\_\_  
Vernon Knox, Mayor

\_\_\_\_\_  
Signature Attest, City Clerk

**AYES:**

**NAYS:**

**ABSTAIN:**

\_\_\_\_\_  
*Council Member Benson*

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*Council Member Linville*

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*Council Member Ellis*

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*Council Member Rhodes*

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*Council Member Ericson*

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*Council Member Goodwin*